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The Honorable Ricardo S. Martinez
United States District Court Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

REBEKAH DOWD and SEAN DOWD, wife
and husband and the marital community
composed thereof,

Plaintiffs,
v.

ALLSTATE INSURANCE COMPANY, a
foreign corporation,

Defendant.

Cause No. 2:22-cv-00486-RSM

**STIPULATED MOTION AND ORDER
TO CONTINUE PRETRIAL
DEADLINES**

NOTE ON MOTION CALENDAR:
December 20, 2022

COME NOW the Plaintiffs Rebekah Dowd and Sean Dowd (hereinafter “Plaintiffs”) and Defendant Allstate Insurance Company (hereinafter “Defendant Allstate”) (collectively “the Parties”), by and through their counsel of record, and respectfully move this Court, via stipulation to continue pretrial deadlines in this matter.

I. STIPULATION

A. Overview

1. The Parties make this motion in good faith and not for the purpose of delay.
2. This is a first-party insurance dispute, in which the plaintiffs, Rebekah Dowd and Sean Dowd (“Plaintiffs”), assert claims and seek damages for breach of contract, bad faith, extra-contractual claims including violations of the Insurance Fair

No. 2:22-cv-00486-RSM

**STIPULATED MOTION AND ORDER TO CONTINUE
PRETRIAL DEADLINES - 1**

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Conduct Act (“IFCA”), the Washington Administrative Code (“WAC”), and Consumer Protection Act (“CPA”), *Olympic Steamship* fees and attorneys’ fees and costs. Defendant Allstate Insurance Company (“Allstate”) denies any and all liability.

3. On May 27, 2022, the Court entered the Order Setting Jury Trial and Pretrial Dates. See ECF#12. Under the current case scheduling order, the jury trial in this matter is currently set for June 20, 2023. Id. Per that Order, the pertinent discovery related deadlines are as follows:

- a. The deadline for expert discovery is **December 22, 2022**.
- b. The deadline to file all motions related to discovery is **January 23, 2023**.
- c. The deadline to complete discovery is **February 21, 2023**.

4. The Parties have agreed to mediate this matter and mediation is currently set for December 30, 2022.

5. Thus, the Parties believe that a 45-day continuance of the expert discovery deadline, discovery motion deadline and discovery cut off will be sufficient so as to permit the Parties sufficient time to complete the following:

- a. Engage in Mediation
- b. Allow Defendant to obtain an FRCP35 Examination of Plaintiff (*stipulated motion for FRCP 35 Exam pending*);
- c. Allow Defendant to take the depositions of (1) Sean Dowd, (2) Alissa DeLaFuente, (3) potentially medical treatment providers and/or experts; and
- d. Allow Defendant to obtain additional discovery records including but not limited to medical records.

1 6. The Parties are not requesting modification of any other deadlines at this time.

2 7. For the reasons set forth above, the Parties are requesting a 45-day continuance of

3 the discovery deadlines as follows:

Case Event	Current Deadline ECF#12	Proposed
Trial Date	June 20, 2023	
Disclosure of expert testimony under FRCP 26(a)(2)	December 22, 2022	February 6, 2023
Deadline for filing motions related to discovery <i>Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)</i>	January 23, 2023	March 9, 2023
Discovery completed by	February 21, 2023	April 7, 2023
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	March 22, 2023	
Mediation per LCR 39.1(c)(3), if requested by parties held no later than May 8, 2023	May 8, 2023	
All motions in limine must be filed by and noted on the motion calendar no later than the third THIRD Friday thereafter	May 23, 2023	
Agreed pretrial order due	June 8, 2023	
Pretrial Conference to be scheduled by the Court		
Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	June 5, 2023	

1 8. This stipulated request is not made for purposes of delay, but rather to allow the
2 Parties to move forward with the focus on the upcoming mediation. Further, the
3 parties stipulate that a continuance will not foreseeably prejudice any of the
4 Parties' cases at trial.

5 9. In consideration of the above, the Parties respectfully request leave from this Court
6 to modify and extend discovery deadlines as set forth above.

7 10. The Parties also respectfully request that the Court order issuance of an amended
8 case scheduling order setting forth the amended deadlines.

9 For the above reasons, the Parties jointly request that the Court grant this stipulated motion
10 to continue the deadlines as set forth above.

12 RESPECTFULLY SUBMITTED this 20th day of December 2022, at Seattle, Washington.

14 **WATHEN | LEID | HALL | RIDER, P.C.**

15 *s/Dylan R. Knapp*

16 Dylan R. Knapp, WSBA No. 58394

17 *s/Kimberly Larsen Rider*

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14 **SHEPARD AND ALLEN**

15 *s/ Heather C. Shepherd (via email approval)*

16 Heather C. Shepherd, WSBA #51127

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II. ORDER

IN CONFORMITY with the foregoing Stipulation, IT IS SO ORDERED.

The Court shall issue an amended case scheduling Order in conformity herewith.

DATED this 27th day of December, 2022.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE